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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,611	06/03/2005	Masaru Kuramoto	Q88048	4984
23373 7590 12/15/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KIM, JAY C	
			ART UNIT 2815	PAPER NUMBER
			MAIL DATE 12/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,611

Applicant(s)

KURAMOTO ET AL.

Examiner

JAY C. KIM

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Amendment filed September 15, 2008.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitations "the vicinity" and "the surface" on lines 5-6, and claim 6 recites the limitations "the vicinity" and "the surface" on lines 6-7 in a nitride semiconductor substrate and a nitride semiconductor device. There are insufficient antecedent bases for these limitations in the claims. Claims 2-4 depend on claim 1, and claims 7-9 and 11 depend on claim 6, and therefore claims 2-4, 7-9 and 11 are also indefinite.
3. Claim 1 recites the limitation "the surface" on line 7, and claim 6 recites the limitations "the surface" on line 8 in a nitride semiconductor substrate and a nitride semiconductor device. There are insufficient antecedent bases for these limitations in the claims. Claims 2-4 depend on claim 1, and claims 7-9 and 11 depend on claim 6, and therefore claims 2-4, 7-9 and 11 are also indefinite.
4. Claims 4 and 9 recite the limitation "the surface" in a nitride semiconductor substrate and a nitride semiconductor device. There are insufficient antecedent bases for these limitations in the claims.

5. Claim 11 recites the limitation "the vicinity of a device separating groove" in a nitride semiconductor substrate. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadatomo et al. (US 6,225,650) in view of Motoki et al. (US 2003/0145783) (alternate interpretation).

Regarding claim 1, Tadatomo et al. disclose a nitride semiconductor substrate (Fig. 4) comprising a group III nitride semiconductor substrate (3) (col. 5, lines 25-26), a mask (21) (col. 5, lines 27-28) formed over the group III nitride semiconductor substrate (3), and a group III nitride semiconductor multilayer film (31) or a film of multilayer GaN (col. 5, line 30) formed above the mask (21).

Tadatomo et al. differ from the claimed invention by not showing that the group III nitride semiconductor substrate has a dislocation density in a vicinity of a surface thereof of $1 \times 10^7/\text{cm}^2$ or less, and the mask has a polycrystalline material deposited on a surface thereof.

Motoki et al. disclose a group III nitride semiconductor substrate (Fig. 10(5)) formed by GaN single crystal growth (Fig. 10(4)), which has a dislocation density in a vicinity of a surface thereof less than $1 \times 10^7/\text{cm}^2$ (lines 7-8 of [0316]). Motoki et al. further disclose a nitride semiconductor substrate (Fig. 5), wherein a mask (23) (SiO_2 on line 1 of [0183]) may have a polycrystalline material (polycrystalline GaN, line 2 of [0183]) deposited on a surface thereof.

Since both Tadatomo et al. and Motoki et al. teach a nitride semiconductor substrate grown by HVPE (hydride vapor phase epitaxy), it would have been obvious to the one of ordinary skill in the art at the time the invention was made that the nitride semiconductor substrate disclosed by Tadatomo et al. may have a low dislocation density and the mask disclosed by Tadatomo et al. may have a polycrystalline material deposited on a surface thereof as disclosed by Motoki et al., because the combined nitride semiconductor substrate could be used for improving device characteristics due to low dislocation density of the substrate, and a multilayer mask structure for GaN crystal growth is well-known and the polycrystalline material could be used for improving GaN growth. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

Regarding claim 2, Tadatomo et al. in view of Motoki et al. differ from the claimed invention by not showing that the polycrystalline material is formed from a material containing aluminum and nitrogen as essential elements.

Motoki et al. further disclose that the mask (23) may be made of polycrystalline aluminum nitride (AlN) or polycrystalline gallium nitride (GaN) ([0182]).

Since Motoki et al. teach a nitride semiconductor substrate, it would have been obvious to the one of ordinary skill in the art at the time the invention was made to replace the polycrystalline GaN deposited on the mask disclosed by Tadatomo et al. in view of Motoki et al. with the polycrystalline AlN disclosed by Motoki et al., because both polycrystalline AlN and polycrystalline GaN may be used to grow high quality single crystal GaN.

Regarding claim 3, Tadatomo et al. in view of Motoki et al. differ from the claimed invention by not showing that voids are formed on the surface of the mask having the polycrystalline material.

Motoki et al. further disclose that voids (voluminous defects in voluminous defect accumulating region H in Fig. 5(a)(3)) are formed on the surface of the mask (23) having the polycrystalline material (lines 7-9 of [0299], lines 1-3 of [0420], and lines 11-13 of [0427]).

Since Motoki et al. teach a nitride semiconductor substrate, it would have been obvious to the one of ordinary skill in the art at the time the invention was made that the nitride semiconductor substrate disclosed by Tadatomo et al. in view of Motoki et al. may comprise voids formed on the surface of the mask having the polycrystalline material as disclosed by Motoki et al., because voids would be formed on a mask while growing single crystal GaN due to imperfect growth of single crystal GaN on an amorphous or polycrystalline material.

Regarding claim 4, Tadatomo et al. further disclose for the nitride semiconductor substrate according to Claim 1 that the mask (21) is provided on a surface of the group III nitride semiconductor substrate (3).

Regarding claim 6, Tadatomo et al. disclose a nitride semiconductor device (semiconductor light emitting element formed on substrate shown in Fig. 4) (col. 1, lines 7-9) comprising a group III nitride semiconductor substrate (3) (col. 5, lines 25-26), a mask (21) (col. 5, lines 27-28) formed over the group III nitride semiconductor substrate (3), and a group III nitride semiconductor multilayer film (col. 5, lines 16-21) formed above the mask (21), the group III nitride semiconductor multilayer film including an active layer.

Tadatomo et al. differ from the claimed invention by not showing that the group III nitride semiconductor substrate has a dislocation density in a vicinity of a surface thereof of $1 \times 10^7/\text{cm}^2$ or less, and the mask has a polycrystalline material deposited on a surface thereof.

Motoki et al. disclose a group III nitride semiconductor substrate (Fig. 10(5)) formed by GaN single crystal growth (Fig. 10(4)), which has a dislocation density in a vicinity of a surface thereof less than $1 \times 10^7/\text{cm}^2$ (lines 7-8 of [0316]). Motoki et al. further disclose a nitride semiconductor substrate (Fig. 5), wherein a mask (23) (SiO_2 on line 1 of [0183]) has a polycrystalline material (polycrystalline GaN on line 2 of [0183]) deposited on a surface thereof.

Since both Tadatomo et al. and Motoki et al. teach a nitride semiconductor substrate grown by HVPE (hydride vapor phase epitaxy), it would have been obvious to

the one of ordinary skill in the art at the time the invention was made that the nitride semiconductor device disclosed by Tadatomo et al. may comprise a low dislocation density group III nitride semiconductor substrate and a mask having a polycrystalline material deposited on a surface thereof as disclosed by Motoki et al., because the combined nitride semiconductor device would have improved device characteristics due to low dislocation density of the substrate, and a multilayer mask structure for GaN crystal growth is well-known and the polycrystalline material could be used for improving GaN growth. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

Regarding claim 7, Tadatomo et al. in view of Motoki et al. differ from the claimed invention by not showing that the polycrystalline material is formed from a material containing aluminum and nitrogen as essential elements.

Motoki et al. further disclose that the mask (23) may be made of polycrystalline aluminum nitride (AlN) or polycrystalline gallium nitride (GaN) ([0182]).

Since Motoki et al. teach a nitride semiconductor substrate, it would have been obvious to the one of ordinary skill in the art at the time the invention was made to replace the polycrystalline GaN deposited on the mask disclosed by Tadatomo et al. in view of Motoki et al. with the polycrystalline AlN disclosed by Motoki et al., because both polycrystalline AlN and polycrystalline GaN may be used to grow high quality single crystal GaN. Further, it has been held to be within the general skill of a worker in the art

to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

Regarding claim 8, Tadatomo et al. in view of Motoki et al. differ from the claimed invention by not showing that voids are formed on the surface of the mask having the polycrystalline material.

Motoki et al. further disclose voids (voluminous defects in voluminous defect accumulating region H in Fig. 5(a)(3)) are formed on the surface of the mask (23) having the polycrystalline material (lines 7-9 of [0299], lines 1-3 of [0420], and lines 11-13 of [0427]).

Since Motoki et al. teach a nitride semiconductor substrate, it would have been obvious to the one of ordinary skill in the art at the time the invention was made that the nitride semiconductor device disclosed by Tadatomo et al. in view of Motoki et al. may comprise voids formed on the surface of the mask having the polycrystalline material as disclosed by Motoki et al., because voids would be formed on a mask while growing single crystal GaN due to imperfect growth of single crystal GaN on an amorphous or polycrystalline material.

Regarding claim 9, Tadatomo et al. further disclose for the nitride semiconductor device according to Claim 6 that the mask (21) is provided on a surface of the group III nitride semiconductor substrate (3).

Regarding claim 11, Tadatomo et al. in view of Motoki et al. differ from the claimed invention by not showing that the mask is provided in a vicinity of a device separating groove of the nitride semiconductor device.

Tadatomo et al. further disclose that a mask (2 in Fig. 11) is provided in a vicinity of a device separating groove (groove separating the devices in Fig. 11) (col. 10, lines 24-26) of the nitride semiconductor device (Fig. 11).

Since Tadatomo et al. teach a nitride semiconductor device, it would have been obvious to the one of ordinary skill in the art at the time the invention was made to combine the nitride semiconductor device disclosed by Tadatomo et al. in view of Motoki et al. with the device separating groove disclosed by Tadatomo et al., because forming a stripe laser comprising a device separating groove is well-known in manufacturing a nitride semiconductor device as well as forming an individual nitride semiconductor device shown in Fig. 9(b) of Tadatomo et al.

Response to Arguments

8. Applicants' arguments, see REMARKS, filed September 15, 2008, with respect to the rejections of claims 1 and 6 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Tadatomo et al. in view of Motoki et al. using alternate interpretation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY C. KIM whose telephone number is (571)270-1620. The examiner can normally be reached on 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. K./
Examiner, Art Unit 2815
December 8, 2008

/Jerome Jackson Jr./
Primary Examiner, Art Unit 2815